

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

NOT FOR PUBLICATION

LEROY DORSEY,

Petitioner,

- versus -

STEVEN RACETTE, Superintendent, Elmira
Correctional Facility, and BRIAN FISCHER,
Commissioner, New York State Department of
Corrections and Community Supervision,

Respondents.

ORDER
12-CV-2057

JOHN GLEESON, United States District Judge:

Leroy Dorsey is currently incarcerated in the Elmira Correctional Facility, pursuant to a judgment of conviction under New York law. By petition filed August 15, 2011 and amended petition filed April 2, 2012, Dorsey seeks a writ of habeas corpus under 28 U.S.C. § 2254. Dorsey has already collaterally attacked his conviction, *see Dorsey v. Haponik*, No. 05 Civ. 3424, 2007 WL 922251 (E.D.N.Y. Mar. 26, 2007), and the instant petition is thus a “successive” petition governed by 28 U.S.C. § 2244(b)(3). Because Dorsey lacks the requisite authorization by the court of appeals to file a successive petition under this provision, his petition is hereby transferred to the court of appeals. *See* 28 U.S.C. § 1631; *Liriano v. United States*, 95 F.3d 119, 123 (2d Cir. 1996). *In forma pauperis* status is granted solely for the purpose of this Order.

So ordered.

John Gleeson, U.S.D.J.

Dated: May 7, 2012
Brooklyn, New York